

Amendment No. 8 to HB2450

**Shepard
Signature of Sponsor**

AMEND Senate Bill No. 2534

House Bill No. 2450*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting from subsection (a) of Section 53-10-306 of the amendatory language of SECTION 1 the following language:

(a) information sent to, contained in, and reported from the database in any format is confidential and not subject to the provisions of Tennessee Code Annotated Title 10, Chapter 7, and not subject to subpoena or process of any kind issued from any court and shall be made available only as provided for in 53-10-308 and to the following persons, and in accordance with the limitations stated and committee rules:

and substituting instead the following language:

(a) information sent to, contained in, and reported from the database in any format is confidential and not subject to the provisions of Tennessee Code Annotated, Title 10, Chapter 7, and not subject to subpoena from any court and shall be made available only as provided for in 53-10-308 and to the following persons, and in accordance with the limitations stated and rules promulgated pursuant to the part, except that the information shall be subject to production pursuant to an order of a circuit or criminal court in a criminal investigation or pending prosecution subject to the provisions of subsection (b):

and further by adding the following new subsection (b) to 53-10-306 of the amendatory language of Section 1 and by relettering present subsections accordingly:

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(b) The district attorney may apply for an order of a circuit or criminal court directed to the committee to disclose specific information to the district attorney for purposes of a criminal investigation or pending prosecution. The application for the order shall be accompanied by an affidavit reciting the specific information sought relative to a specific individual and the nature of the offense under investigation. The affidavit shall be by the district attorney or other law enforcement officer but only the district attorney shall have the authority to request the order. The judge may issue an order if the affidavit recites probable cause to believe that a violation of the criminal law has occurred and that the information in the database will be of material assistance in the investigation or prosecution. A copy of the application, affidavit and order shall be retained by the judge issuing the order. A return shall be made promptly to the judge executing the order as to the information acquired by said order. The application, affidavit, order and information may remain under seal and may only be disclosed by the judge issuing the order or by the judge having jurisdiction over the prosecution. A violation of this subsection shall result in the suppression of the information or collateral use of such information in any civil or criminal proceeding. Information obtained through this court order shall remain confidential except to the extent it is used in court for prosecution purposes. Unauthorized use or disclosure of this information shall be subject to the penalties set forth in § 53-10-306.